

2011 DRAFTING REQUEST

Bill

Received: **10/04/2010**

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2213**

By/Representing: **Kisiolek**

May Contact: **Ann Oehler, DOC**

Drafter: **mgallagh**

Subject: **Children - juvenile justice
Correctional System - com crctns**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Kisiolek, BB0042 -

Topic:

Juvenile Correctional Services Deficit Reduction

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mgallagh 10/20/2010 mgallagh 12/02/2010	nnatzke 11/05/2010 nnatzke 12/02/2010	jfrantze 11/08/2010	_____ _____ _____	cduerst 11/08/2010		
/P2	mgallagh 01/04/2011	nnatzke 01/05/2011	mduchek 12/03/2010	_____ _____	cduerst 12/03/2010		S&L
/P3			mduchek 01/06/2011	_____ _____	lparisi 01/06/2011		S&L

FE Sent For:

<END>

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	mgallagh 12/02/2010	nnatzke 12/02/2010		_____			
/P2		/p3 nwn 1/4	mduchek 12/03/2010	_____	cduerst 12/03/2010		S&L

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1/5
<END>
Re 1/6

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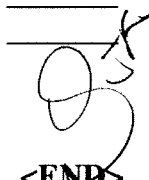
Topic:

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/P1	mgallagh 10/20/2010	nnatzke 11/05/2010 1/2 nwn 11/30	jfrantze 11/08/2010		cdurst 11/08/2010		

FE Sent For:

<END>

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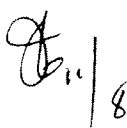
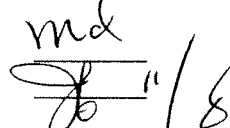
Topic:

Juvenile Correctional Services Deficit Reduction

Instructions:

See attached

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/P1	mgallagh	/p1 nwn 10/29	 11/8	 11/8			

FE Sent For:

<END>

2011-13 Budget Bill Statutory Language Drafting Request

- Topic: Transfer Cash Balances to Eliminate Juvenile Correctional Services Deficit
- Tracking Code: BTB0042
- SBO team: AEJ
- SBO analyst:
 - Phone: 266-2213
 - Email: Katrina.kisiolek@wisconsin.gov
- Agency acronym: DOC
- Agency number: 410
- Priority (Low, Medium, High): Medium

Intent: Allow balance transfers from Juvenile Residential Aftercare (20.410(3)(ho)) and Corrective Sanctions Program (20.410(3)(hr)) to Juvenile Correctional Services (20.410(3)(hm)) to reduce any projected deficit in the Juvenile Correctional Services appropriation.

DEPARTMENT OF CORRECTIONS
2011-2013 Biennial Budget
Statutory Language Request

Topic: Transfer Cash Balances to Eliminate Juvenile Correctional Services Deficit

Current Language

Current non-statutory language in 2009 Act 28 Section 9211 required the Department of Corrections to transfer funds to eliminate a deficit in the Juvenile Correctional Services appropriation that existed at the end of FY09.

Proposed Change

Create language to allow the transfer of account balances from the Juvenile Residential Aftercare appropriation §20.410(3)(ho) and the Corrective Sanctions Program appropriation §20.410(3)(hr) to the Department's Juvenile Correctional Services appropriation §20.410(3)(hm):

If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, that excess in each fiscal year of the biennium shall be transferred to the appropriation account under par. (hm) as provided in (this Act), except that, if those moneys generated exceed these costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year.

If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess in each fiscal year of the biennium shall be transferred to the appropriation account under par. (hm) as provided in (this Act).

Effect of the Change

This language will reduce any projected deficit in §20.410(3)(hm).

Rationale for the Change

This change is necessary in order to reduce any projected deficit in DOC's Juvenile Correctional Services appropriation.

Desired Effective Date:	Upon Passage of Bill
Agency:	DOC
Agency Contact:	Anna Oehler
Phone:	240-5524

Gallagher, Michael

From: Gallagher, Michael
Sent: Friday, December 17, 2010 9:45 AM
To: Kisiolek, Katrina L - DOA
Subject: RE: Juvenile Correctional Services Deficit Reduction

Katie: As I mentioned, below are some brief comments on Roland's questions. We are looking at other ways to do this that might satisfy DOC's concerns. Thanks.

Mike

Michael P. Gallagher
 Legislative Attorney
 Legislative Reference Bureau
 (608) 267-7511
 michael.gallagher@legis.wisconsin.gov

12-22 → conference call
 with DOA & DOC. The deficit
 does not exceed the amount
 shown in the schedule for
 (hm). Make this
 a permanent stat.
 change.

From: Kisiolek, Katrina L - DOA [mailto:Katrina.Kisiolek@wisconsin.gov]
Sent: Wednesday, December 15, 2010 4:39 PM
To: Gallagher, Michael
Subject: FW: Juvenile Correctional Services Deficit Reduction

Mike,
 Here's the email. Please let me know how you want to proceed.
 Thanks,
 Katie

From: Couey, Roland - DOC
Sent: Tuesday, December 14, 2010 3:08 PM
To: Kisiolek, Katrina L - DOA
Cc: Steinmetz, Jana D - DOA; Oehler, Anna M - DOC; McCulley, Shelby A - DOC; Bajkiewicz, David M - DOC
Subject: FW: Juvenile Correctional Services Deficit Reduction

Katie,

We have reviewed LRBs request to create a new appropriation 3(ht) and have some questions regarding this request.

1. Since 2002, We have transferred, through biennial budget and 16.513 processes, money from 3(ho) and 3(hr) into 3(hm) for deficit reduction purposes. What has changed in the recent past to make these previous transfers now a misappropriation of funds or illegal?

MPG—We drafted the bill to put the transfer right in the statute because nonstatutory provisions such as the one that has been used here are intended for temporary use, but the (hm) deficit has recurred since 2002. Because (hm) is a sum certain appropriation, either the amount in the schedule for (hm) needs to be adjusted to include the amounts transferred from (ho) and (hr), or we need to create a new appropriation such as the one in the P2 draft. While, as I mention above, we are looking at other possible ways to handle this issue, a new continuing appropriation, (ht), would be expendable up to the amounts received in transfer from (ho) and (hr) and would eliminate the need to legislatively address the (hm) deficit anew each fiscal year.

2. We are uncertain in the difference between transferring funds into 3(hm) and into 3(ht)(the

12/17/2010

new appropriation suggested). Both are annual (sum certain) appropriations based on the suggested language. By stating "the unencumbered balance in this appropriation account at the end of the fiscal year", in our opinion, makes 3(ht) an annual appropriation and; therefore, no different than 3(hm).

MPG—The (hm) appropriation is a sum certain appropriation, for the amounts shown in the schedule. However, (ht) is for "all moneys received"; (ht) is not a sum certain appropriation; it is expendable up to whatever amounts are received via the transfer from (ho) and (hr). Any unused funds then revert back to (ho) and (hr) in proportion to the amounts transferred from each of those appropriations. The (ht) appropriation is essentially structured as a gap-filler for (hm).

3. Why is it appropriate to transfer expenditures to 3(ht) from 3(hm) but not revenue from 3(ho) and 3(hr) into 3(hm)? What is the legal distinction between the expenditures transferring or the revenue transferring from these appropriations?

MPG—If I understand this question, you are asking why it is appropriate to have two appropriations for the same purpose when it is inappropriate to transfer revenue from (ho) and (hr) to (hm), assuming there is no corresponding adjustment to the amounts shown in the schedule for (hm). Nothing bars having two appropriations going to the same purpose. The additional expenditure authorizes DOC to spend the funds transferred from (ho) and (hr) for the same purposes stated in (hm).

4. Currently, 3(hm) allows transferring of funds under 301.26(4)(cm) so why not just expand to include 3(ho) and 3(hr)?

MPG—I believe the difference is that the transfer of funds under 301.26 (4) (cm) is to reimburse the (hm), (ho), and (hr) accounts for expenditures for services provided that are covered under the 20.410 (3) (cg) appropriation. There is no net increase to the sum certain amounts under (hm), (ho), and (hr). But the deficit reduction transfer is made because the sum certain amount under (hm) falls short of actual costs.

If it is feasible, we think the best way to clarify things would be through a conference call to discuss this with the LRB drafter; the proposed changes seem very technical in nature and we want to ensure that we all understand the problems and the solution identified. Let us know about the likelihood of this happening.

Some other things to think about regarding the creation of a new appropriation:

1. These funds are used to calculate the JCI Daily Rate, which is already complex. This increases the complexity by adding another appropriation. Expenditures transferred from one appropriation to another lose their identity from where they were incurred so it is easy to forget to include something from an appropriation because in one FY it happened to be transferred to 3(ht). So trending and identification of expenditures is more difficult.

2. Expenses that can be transferred to 3(ht) have not been identified so could be different per FY - again, increasing the difficulty of calculating rates and matching budget to actual spending.

3. The audit trail for these expenditures would increase questions and work demand from auditors during the Single Audit and/ or program audits. The expenditures lose, from the organization they were incurred, making it more difficult to determine the purpose and allowability of the expense.

4. If this is a question about expenditure authority, the appropriation authority can be increased upon request through the 16.515 process.

MPG—Correct, this is a question of expenditure authority. Thank you for your comments. We are looking at other ways to do this, which we can discuss during a conference call. Thanks!

Thanks!

From: Couey, Roland - DOC
Sent: Monday, December 06, 2010 11:10 AM
To: McCulley, Shelby A - DOC; Bajkiewicz, David M - DOC; Oehler, Anna M - DOC
Subject: FW: Juvenile Correctional Services Deficit Reduction

Please review and let me know of any concerns. Thanks!

Roland Couey, Director
Bureau of Budget & Facilities Management
Division of Management Services
Department of Corrections
Phone: (608) 240-5405
Fax: (608) 240-3342
Roland.Couey@Wisconsin.gov

From: Kisiolek, Katrina L - DOA
Sent: Monday, December 06, 2010 8:31 AM
To: Couey, Roland - DOC
Subject: FW: Juvenile Correctional Services Deficit Reduction

Rollie,
I attached a new copy of the draft of the juvenile correctional services deficit reduction statutory language. Below is the drafter's note on it. Please let us know what you think.
Thanks,
Katie

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Friday, December 03, 2010 4:34 PM
To: Kisiolek, Katrina L - DOA
Cc: Thornton, Scott - DOA; Steinmetz, Jana D - DOA
Subject: Juvenile Correctional Services Deficit Reduction

We have received an LRB draft for DOA Tracking Code: BB0042

LRB Draft Number: 0215/P2

Drafter: MPG

Drafting Attorney: Michael P. Gallagher
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

Drafter's Note:

This is a redraft of LRB-0215, regarding a transfer of funds to the juvenile correctional services appropriation account to make up for the perennial deficit that account tends to run.

12/17/2010

The redraft creates an additional appropriation for juvenile correctional services. A new appropriation is required because under article VIII, section 2 of the Wisconsin Constitution, DOC cannot spend the transferred moneys without an appropriation authorizing the expenditure, and the s. 20.410 (3) (hm) appropriation is a sum certain appropriation for which the amounts in the schedule do not include the transferred amounts. The new appropriation is of "all moneys" transferred from the juvenile residential aftercare services (s. 20.410 (3) (ho)) and juvenile corrective sanctions services (s. 20.410 (3) (hr)) appropriation accounts at the close of each fiscal year for juvenile correctional services, less any amounts required to be remitted to counties, or transferred to the s. 20.410 (3) (kx) appropriation account and deposited in the general fund. Any unused moneys revert to the appropriation accounts under s. 20.410 (3) (ho) and (hr) in proportion to the respective amounts that were available for transfer from each of those appropriation accounts.

The additional appropriation account for juvenile correctional services achieves the same purpose as the deficit reduction provision without the need for that provision. In effect, with two appropriations going to juvenile correctional services, there is no deficit if the amounts in the schedule for s. 20.410 (3) (hm) do not cover actual costs for juvenile correctional services because s. 20.410 (3) (hm) is not the only appropriation to cover those costs. The deficit reduction provision has been removed in this redraft. Are these changes acceptable?

Please let me know if you have any questions regarding the changes in this redraft.

The document can be found in the Stat Language site on SharePoint.

From the Department of Corrections: Please consider the environment before printing this message.



State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-0215/P0
MPG:nwn:jf

change
to do
know

DOA:.....Kisiolek, BB0042 - Juvenile Correctional Services Deficit Reduction

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

creates an additional appropriation for juvenile correctional services. The bill

1

AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of a fiscal year, any certain unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year, up to the amount of the deficit, less any amounts required to be remitted to counties or deposited in the general fund, are transferred to the juvenile correctional services appropriation account. ✓ FE-SL new

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.410 (3) (hm) of the statutes is amended to read:

3 20.410 (3) (hm) Juvenile correctional services. Except as provided in pars. (ho) ✓

4 and (hr), the amounts in the schedule for juvenile correctional services specified in

Any unused amounts in the new appropriation account then revert to the account from which transferred. ✓

§. 55.

49.45(25)(b) and

1 §. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,
 2 including vehicles, from juvenile correctional institutions operated by the
 3 department, all moneys received as payments in restitution of property damaged at
 4 juvenile correctional institutions operated by the department, all moneys received
 5 from miscellaneous services provided at a juvenile correctional institution operated
 6 by the department, all moneys transferred under s. 301.26 (4) (cm), all moneys
 7 transferred under s. 301.26 (4) (ct) and, except as ^{otherwise} provided in ^{(ho) and} (par. (hr)), all moneys
 8 received in payment for juvenile correctional services ^{as} specified in s. 301.26 (4) (d),
 9 (dt), and (g) shall be credited to this appropriation account. If moneys generated by par. pars.
 10 the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by
 11 more than 2% or more, all moneys in excess of ~~that~~ 2% shall be remitted to the
 12 counties during the subsequent calendar year or transferred to the appropriation
 13 account under par. (kx) during the subsequent fiscal year. Each county and the
 14 department shall receive a proportionate share of the remittance and transfer
 15 depending on the total number of days of placement at juvenile correctional
 16 institutions including the Mendota Juvenile Treatment Center. Counties shall use
 17 the funds for purposes specified in s. 301.26. The department shall deposit in the
 18 general fund the amounts transferred under this paragraph to the appropriation
 19 account under par. (kx).
 20 49.45(25)(b) and 301.26(4)(c)

20 SECTION 2. 20.410 (3) (ho) of the statutes is amended to read:

21 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
 22 providing foster care, treatment foster care, group home care, and institutional child
 23 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.
 24 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
 25 for providing foster care, treatment foster care, group home care, and institutional

20.410
 or from s. 20.410(3)(h) and

child care to delinquent juveniles ^(d)under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) ^(e)(e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate ^{under s. 301.26(4)(d)}exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) ^(d)(as provided in s. 301.26 (4) (ct)). except that, if those moneys generated exceed those costs by more than 2% ~~or more~~, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 3. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act 182, section 5, and 2011 Wisconsin Act ... (this act), is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) ^(d)(e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate ^{under s. 301.26(4)(d)}exceed actual fiscal year foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under

STET
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49.45(25)(b5), 301.26(4)(c),
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but do
make other
indicated
changes

par. (hm) [†] as provided in s. 301.26 (4) (ct), except that, if those moneys generated exceed those costs by more than 2%, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 4. 20.410 (3) (hr) of the statutes is amended to read: ^{49.45} ~~49.45(25)(b)~~ and

20.410 (3) (hr) *Juvenile corrective sanctions program*. The amounts ^{5. SS.} ~~in the~~ schedule for the corrective sanctions services specified in s. 301.26 (4) ^{(c) and} (eg). All moneys received in payment for ^{those} the corrective sanctions services ⁹⁵ specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. ^{(d) and} If moneys generated by the daily rate ^{under s. 301.26 (4) (d)} exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) ^(ht) as provided in s. 301.26 (4) (ct).

SECTION 5. 301.26 (4) (ct) of the statutes is created to read:

301.26 (4) (ct) 1. Subject to subd. 2., if notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903 there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be

and all moneys transferred under s. 301.26 (4) (cm) ^{20.410} or from s. 301.26 (3) (ht)

1 transferred to the appropriation account under s. 20.410 (3) (hm), except that the
2 total amount of the unencumbered balances transferred under this subdivision may
3 not exceed the amount of the deficit.

4 2. If the deficit specified in subd. 1. is less than the total amount of the
5 unencumbered balances available for transfer under subd. 1., the total amount
6 transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) to the
7 appropriation account under s. 20.410 (3) (hm) shall equal the amount of that deficit,
8 and the amount transferred from each of those appropriation accounts shall be in
9 proportion to the respective unencumbered balance available for transfer from each
10 of those appropriation accounts.

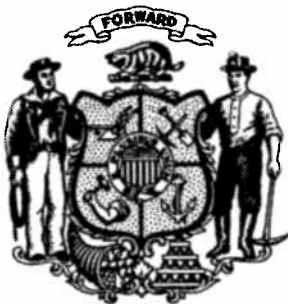
11 **SECTION 9411. Effective dates; Corrections.**

12 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The repeal and
13 recreation of section 20.410 (3) (ho) of the statutes takes effect on July 1, 2011, on the
14 day after publication, or on the date stated in the notice provided by the secretary
15 of children and families and published in the Wisconsin Administrative Register
16 under section 48.62 (9) of the statutes, whichever is latest.
17

(END)

do not
delete
this
section
Insert 5-16

State of Wisconsin



2009 Assembly Bill 568

Date of enactment: **March 15, 2010**
Date of publication*: **March 29, 2010**

2009 WISCONSIN ACT 182

AN ACT relating to: revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, and eliminating defects (Correction Bill).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act 28, sections 313 and 314, is repealed and recreated to read:

20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred from the appropriation accounts under pars. (ho) and (hr) as provided in 2009 Wisconsin Act 28, section 9211 (1), all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation

account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: 2009 Wis. Act 28, section 9411 (1), contained an incorrect cross-reference that resulted in a possible ambiguity in the effective dates for the treatments of s. 20.410 (3) (hm) by Act 28. SECTIONS 1 and 2 of this bill, together with the delayed effective date specified in SECTION 12 (3) of this bill, clarify the effective dates for the treatments of section 20.410 (3) (hm) in Act 28 as follows:

SECTION 1. The treatment of s. 20.410 (3) (hm) by section 313 of Act 28 is in effect until July 1, 2010.

SECTION 2. The treatment of s. 20.410 (3) (hm) by section 314 of Act 28 takes effect on July 1, 2010.

SECTIONS 1 and 2 of this bill reflect the statute text from sections 313 and 314 of Act 28, respectively.

SECTION 2. 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juve-

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

nile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 1 of this bill.

SECTION 3. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act 28, sections 315, 316 and 317, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act 28, section 9211 (1), except that, if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts trans-

ferred under this paragraph to the appropriation account under par. (kx).

NOTE: 2009 Wis. Act 28, section 9411 (1), contained an incorrect cross-reference that resulted in a possible ambiguity in the effective dates for the treatments of s. 20.410 (3) (ho) by Act 28. SECTIONS 3, 4, and 5 of this bill, together with the delayed effective dates specified in SECTION 12 (1) and (2) of this bill, clarify the effective dates for the treatments of section 20.410 (3) (ho) in Act 28 as follows:

SECTION 3. The treatment of s. 20.410 (3) (ho) by section 315 of Act 28 is in effect until the treatment of s. 20.410 (3) (ho) by section 316 or 317 take effect.

SECTION 4. The treatment of s. 20.410 (3) (ho) by section 316 of Act 28 takes effect on the effective date specified in the Wisconsin Administrative Register as provided in section 9408 (6) of Act 28.

SECTION 5. The treatment of s. 20.410 (3) (ho) by section 317 of Act 28 takes effect on July 1, 2010, or on the effective date specified in the Wisconsin Administrative Register as provided in section 9408 (6) of Act 28, whichever is later.

SECTIONS 3, 4, and 5 of this bill reflect the statute text shown in sections 315, 316, and 317 of Act 28, respectively.

SECTION 4. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), section 3, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act 28, section 9211 (1), except that if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 3 of this bill.

SECTION 5. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), section 4, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, group

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home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 3 of this bill.

SECTION 6. 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act 28, sections 761 and 762, is repealed and recreated to read:

39.435 (8) The board shall award grants under this section to University of Wisconsin System students from the appropriations under s. 20.235 (1) (fe) and (ke).

NOTE: 2009 Wis. Act 28 contains two treatments of s. 39.435 (8). Section 761 of Act 28 amended s. 39.435 (8) effective July 1, 2010. Section 762 of Act 28 amended s. 39.435 (8), as affected by section 761, but without a specified delayed effective date, which resulted in a possible ambiguity in the effective dates for the treatments of s. 39.435 (8) by Act 28. SECTIONS 6 and 7 of this bill, together with the delayed effective date specified in SECTION 12 (3) of this bill, clarify the effective dates for the two treatments of s. 39.435 (8) as follows:

SECTION 6. The treatment of s. 39.435 (8) by section 761 of Act 28 is in effect until July 1, 2010.

SECTION 7. The treatment of s. 39.435 (8) by section 762 takes effect July 1, 2010.

SECTIONS 6 and 7 of this bill reflect the statute text shown in sections 761 and 762 of Act 28, respectively.

SECTION 7. 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

39.435 (8) The board shall award grants under this section to University of Wisconsin System students from the appropriation under s. 20.235 (1) (fe).

NOTE: See the NOTE for SECTION 6 of this bill.

SECTION 8. 111.322 (2m) (a) and (b) of the statutes, as affected by 2009 Wisconsin Acts 3 and 28, are repealed and recreated to read:

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12,

109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

(b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

NOTE: Section 111.322 (2m) (a) and (b) were amended effective April 1, 2010, by 2009 Wis. Act 3 and, as affected by Act 3, by 2009 Wis. Act 28. Act 28 did not provide a delayed effective date for the Act 28 treatment, which resulted in a possible ambiguity in the effective date for the Act 28 treatment. SECTIONS 8 and 9 of this bill, together with the delayed effective date specified in SECTION 12 (4) of this bill, clarify the effective date for the Act 28 treatment as follows:

SECTION 8. Section 111.322 (2m) (a) and (b), as they were in effect before any treatment by 2009 Wis. Acts 3 or 28, remain in effect until the treatment by SECTION 9 of this bill — which reflects the treatments by 2009 Wis. Acts 3 and 28 — takes effect.

SECTION 9. The treatments of s. 111.322 (2m) (a) and (b) by Acts 3 and 28 take effect on April 1, 2010.

SECTION 8. of this bill reflects the text of s. 111.322 (2m) (a) and (b) before enactment of Acts 3 and 28, and SECTION 9 of this bill reflects the text as affected by Acts 3 and 28.

SECTION 9. 111.322 (2m) (a) and (b) of the statutes, as affected by 2009 Wisconsin Act (this act), are repealed and recreated to read:

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

(b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

NOTE: See the NOTE for SECTION 8 of this bill.

SECTION 10. 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act 28, sections 2817 and 2818, is repealed and recreated to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special group under par. (f) 50., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to

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which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP.

NOTE: 2009 Wis. Act 28 contains two treatments of s. 341.14 (6r) (c) (sections 2817 and 2818). Section 2818 of Act 28 amended s. 341.14 (6r) (c) as affected by section 2817 but without a specified delayed effective date. Section 9450 (4) of Act 28 provides that the treatment of s. 341.14 (6r) (c) by section 2918 — as opposed to 2818 — takes effect on January 1, 2010, but section 2918 of Act 28 does not affect s. 341.14 (6r) (c), which results in a possible ambiguity in the effective dates for the treatments of s. 341.14 (6r) (c) by Act 28. SECTIONS 10 and 11 of this bill, together with the delayed effective date specified in SECTION 12 (5) of this bill, clarify the effective dates for the treatments of s. 341.14 (6r) (c) in Act 28 as follows:

SECTION 10. The treatment of s. 341.14 (6r) by section 2817 is in effect until January 1, 2010.

SECTION 11. The treatment of s. 341.14 (6r) (c) by section 2818 takes effect on January 1, 2010.

SECTIONS 10 and 11 of this bill reflect the statute text from sections 2817 and 2818 of Act 28, respectively.

SECTION 11. 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special groups under par. (f) 50. and 59., the chief executive officer of the professional

football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP. The word or symbol used to identify the special group under par. (f) 59. shall be different from the word or symbol used to identify the special group under par. (f) 50. and the design shall cover the entire plate.

NOTE: See the NOTE for SECTION 10 of this bill.

SECTION 12. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 20.410 (3) (ho) (by SECTION 4) of the statutes takes effect on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes or on the day after publication, whichever is later.

(2) The treatment of section 20.410 (3) (ho) (by SECTION 5) of the statutes takes effect on July 1, 2010, on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, or on the day after publication, whichever is later.

(3) The treatment of sections 20.410 (3) (hm) (by SECTION 2) and 39.435 (8) (by SECTION 7) of the statutes takes effect on July 1, 2010, or on the day after publication, whichever is later.

(4) The treatment of section 111.322 (2m) (a) and (b) of the statutes (by SECTION 9) takes effect on April 1, 2010, or on the day after publication, whichever is later.

(5) The treatment of section 341.14 (6r) (c) (by SECTION 11) of the statutes takes effect on January 1, 2010, or on the day after publication, whichever is later.

State of Wisconsin



2009 Senate Bill 361

Date of enactment: November 12, 2009
Date of publication*: November 25, 2009

2009 WISCONSIN ACT 71

AN ACT *to amend* 20.410 (3) (ho), 48.57 (3m) (am) (intro.), 48.57 (3m) (am) 1., 48.57 (3m) (f), 48.57 (3n) (am) (intro.), 48.57 (3n) (am) 1., 48.62 (4), 48.62 (8) (b), 48.75 (1g) (c) (intro.), 48.75 (1g) (d), 49.343 (1g), 49.343 (1g), 49.343 (2) (a) and 49.343 (2) (a); *to repeal and recreate* 20.410 (3) (ho), 48.57 (3m) (am) (intro.), 49.343 (1g) and 49.343 (2) (a); *to create* 48.48 (17) (a) 10m., 48.57 (3m) (ap), 48.57 (3n) (ap) and 48.75 (1g) (cm) of the statutes; and *to affect* 2009 Wisconsin Act 28, section 9408 (6); *relating to*: the monthly rates that are paid for foster care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on the receipt of kinship care payments; and licensing of foster homes across county lines.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act 28, sections 315, 316 and 317, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropri-

ation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 2. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys

* Section 991.11, WISCONSIN STATUTES 2007-08: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

generated by the daily rate exceed actual fiscal year foster care, ~~treatment-foster-care~~, group home care, and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, ~~treatment-foster-care~~, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 3. 48.48 (17) (a) 10m. of the statutes is created to read:

48.48 (17) (a) 10m. Administer kinship care and long-term kinship care as provided in s. 48.57 (3m), (3n), and (3p).

SECTION 4. 48.57 (3m) (am) (intro.) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. ~~A. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:~~

SECTION 5. 48.57 (3m) (am) (intro.) of the statutes, as affected by 2009 Wisconsin Act ... (this act), is repealed and recreated to read:

48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$220 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 6. 48.57 (3m) (am) 1. of the statutes is amended to read:

48.57 (3m) (am) 1. The kinship care relative applies to the county department or department for payments under this subsection and ~~the, if the child is placed in the home of the kinship care relative under a court order, for a license to operate a foster home.~~

1m. The county department or department determines that there is a need for the child to be placed with

the kinship care relative and that the placement with the kinship care relative is in the best interests of the child.

SECTION 7. 48.57 (3m) (ap) of the statutes is created to read:

48.57 (3m) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to a kinship care relative who is providing care and maintenance for a child who is placed in the home of the kinship care relative under a court order for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the kinship care relative for a license to operate a foster home or, if the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure.

2. If the application specified in subd. 1. is not approved or denied or the kinship care relative is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the kinship care relative, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure.

3. Notwithstanding that an application of a kinship care relative specified in subd. 1. is denied or the kinship care relative is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to the kinship care relative for as long as the conditions specified in par. (am) 1. to 6. continue to apply if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the kinship care relative's home and the ability of the kinship care relative to care for the child, and a recommendation that the child remain in the home of the kinship care relative and the court, after considering that information, assessment, and recommendation, orders the child to remain in the kinship care relative's home. If the court does not order the child to remain in the kinship care relative's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement.

SECTION 8. 48.57 (3m) (f) of the statutes is amended to read:

48.57 (3m) (f) Any person whose application for payments under par. (am) is not acted on promptly or is denied on the grounds that a condition specified in par. (am) 1., ~~1m.~~ 2., 5., or 6. has not been met and any person whose payments under par. (am) are discontinued under par. (d) may petition the department under par. (g) for a review of that action or failure to act. Review is unavailable if the action or failure to act arose more than 45 days before submission of the petition for review.

SECTION 9. 48.57 (3n) (am) (intro.) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.57 (3n) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. ~~A. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:~~

SECTION 10d. 48.57 (3n) (am) 1. of the statutes is amended to read:

48.57 (3n) (am) 1. The long-term kinship care relative applies to the county department or department for payments under this subsection and, provides proof that he or she has been appointed as the guardian of the child under s. 48.977 (2), and, if the child is placed in the home of the long-term kinship care relative under a court order, applies to the county department or department for a license to operate a foster home.

SECTION 11. 48.57 (3n) (ap) of the statutes is created to read:

48.57 (3n) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to a long-term kinship care relative who is providing care and maintenance for a child who is placed in the home of the long-term kinship care relative for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the long-term kinship care relative for a license to operate a foster home or, if the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure.

2. If the application specified in subd. 1. is not approved or denied or the long-term kinship care relative is not otherwise determined to be ineligible for licensure

within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the long-term kinship care relative, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure.

3. Notwithstanding that an application of a long-term kinship care relative specified in subd. 1. is denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to the long-term kinship care relative until an event specified in par. (am) 6. a. to f. occurs if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the long-term kinship care relative's home and the ability of the long-term kinship care relative to care for the child, and a recommendation that the child remain in the home of the long-term kinship care relative and the court, after considering that information, assessment, and recommendation, orders the child to remain in the long-term kinship care relative's home. If the court does not order the child to remain in the kinship care relative's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement and any person who is authorized to file a petition for the appointment of a guardian for the child may also request a termination of the guardianship order.

SECTION 12. 48.62 (4) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.62 (4) Monthly payments in foster care shall be provided according to the rates specified in this subsection. Beginning on January 1, 2010, the rates are \$215 for care and maintenance provided by ~~a relative of a child of any age for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for care and maintenance provided by a nonrelative foster home that is certified to provide care at a level of care that is higher than such level one care,~~ \$349 for a child under 5 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child 12 to 14 years of age; and \$452 for a child 15 years of age or over. Beginning on January 1, 2011, the rates are \$220 for care

and maintenance provided by a relative of a child of any age for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for care and maintenance provided by a nonrelative foster home that is certified to provide care at a level of care that is higher than such level one care, \$366 for a child under 5 years of age; \$400 for a child 5 to 11 years of age; \$455 for a child 12 to 14 years of age; and \$475 for a child 15 years of age or over. In addition to these grants for basic maintenance, the department, county department, or licensed child welfare agency shall make supplemental payments for foster care to a foster home that is receiving an age-related rate under this subsection that are commensurate with the level of care that the foster home is licensed certified to provide and the needs of the child who is placed in the foster home according to the rules promulgated by the department under sub. (8) (c).

SECTION 13. 48.62 (8) (b) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

48.62 (8) (b) Rules establishing a standardized assessment tool to assess the needs of a child placed or to be placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed certified to provide a given level of care under par. (a) may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed certified to provide. A foster home that is certified to provide a given level of care under par. (a) may not provide foster care for any child whose needs are assessed to be above that level of care unless the department, county department, or child welfare agency issuing the foster home license determines that support or services sufficient to meet the child's needs are in place and grants an exception to that prohibition.

SECTION 14d. 48.75 (1g) (c) (intro.) of the statutes is amended to read:

48.75 (1g) (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless the public licensing agency issuing the license has notified the public licensing agency of the county in which the foster home will be located of its intent to issue the license and no license may be issued under par. (a) 2. or 3. unless the 2 public licensing agencies have entered into a written agreement under this paragraph. A public licensing agency is not required to enter into any agreement under this paragraph allowing the public licensing agency of another county to license a foster home within its jurisdiction. The written agreement shall include all of the following:

SECTION 17g. 48.75 (1g) (cm) of the statutes is created to read:

48.75 (1g) (cm) Notwithstanding that a written agreement under par. (c) is not required for the issuance of a license under par. (a) 1., the public licensing agency issuing the license shall have the responsibilities speci-

fied in par. (c) 1., shall be responsible for the costs specified in par. (c) 2., and shall have in place the procedures specified in par. (c) 3.

SECTION 18d. 48.75 (1g) (d) of the statutes is amended to read:

48.75 (1g) (d) If the public licensing agency issuing a license under par. (a) 1., 2. or 3. violates the agreement under par. (c), the public licensing agency of the county in which the foster home is located may terminate the agreement and, subject to ss. 48.357 and 48.64, require the public licensing agency that issued the license to remove the child from the foster home within 30 days after receipt, by the public licensing agency that issued the license, of notification of the termination of the agreement.

SECTION 19. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act 28, sections 1275, 1276m, and 1277, is repealed and recreated to read:

49.343 (1g) ESTABLISHMENT OF RATES. Subject to sub. (1m), each residential care center for children and youth and each group home shall establish a per client rate for its services and each child welfare agency shall establish a per client administrative rate for the administrative portion of its treatment foster care services. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same treatment foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 20. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act (this act), section 19, is amended to read:

49.343 (1g) ESTABLISHMENT OF RATES. Subject to sub. (4m), each For services provided beginning on January 1, 2011, the department shall establish the per client rate that a residential care center for children and youth and each or a group home shall establish a per client rate may charge for its services and each child welfare agency shall establish a, and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services, as provided in this section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2., the department shall consult with the department of corrections. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same treatment foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 21. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act (this act), section 20, is amended to read:

49.343 (1g) **ESTABLISHMENT OF RATES.** For services provided beginning on January 1, 2011, the department shall establish the per client rate that a residential care center for children and youth or a group home may charge for its services, and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services, as provided in this section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2., the department shall consult with the department of corrections. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same treatment foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 22. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act 28, sections 1281 and 1282, is repealed and recreated to read:

49.343 (2) (a) By October 1, 2010, and annually after that, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for treatment foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 23. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), section 22, is amended to read:

49.343 (2) (a) By October 1, 2010, and annually after that, annually, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for treatment foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 24. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), section 23, is amended to read:

49.343 (2) (a) By October 1, annually, a residential care center for children and youth or a group home shall

submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for treatment foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 25. 2009 Wisconsin Act 28, section 9408 (6) is amended to read:

[2009 Wisconsin Act 28] Section 9408 (6) **FOSTER CARE LEVELS OF CARE.** The repeal of sections 48.02 (17q), 48.48 (17) (a) 10., 48.62 (1) (b), 49.001 (7), 619.01 (1) (c) 4m., 619.01 (9m), 895.485 (1) (c), and 938.02 (17q) of the statutes, the renumbering of section 48.62 (1) (a) of the statutes, the amendment of sections 20.410 (3) (ho) (by SECTION 316), 20.437 (1) (b), 20.437 (1) (cf), 20.437 (1) (dd) (by SECTION 474), 20.437 (1) (jm), 20.437 (1) (pd) (by SECTION 480), 46.10 (14) (a), 46.10 (14) (b), 46.21 (2) (j), 46.56 (8) (L), 46.56 (15) (b) 4., 46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.195 (2) (d) 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.27 (3) (a) 1., 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.299 (1) (ar), 48.32 (1) (c) 2., 48.32 (1) (c) 3., 48.33 (4) (intro.), 48.33 (5), 48.335 (3g) (intro.), 48.345 (3) (c), 48.355 (2) (b) 2., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.355 (4), 48.357 (1) (am) 1., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365 (2m) (ad) 2., 48.365 (2m) (ag), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d), 48.371 (5), 48.375 (4) (a) 1., 48.375 (4) (b) 1m., 48.375 (4) (b) 3., 48.375 (7) (f), 48.38 (2) (intro.), 48.38 (2) (g), 48.38 (4) (d) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c), 48.38 (5m) (e), 48.42 (2) (d), 48.42 (2g) (a), 48.42 (2g) (am), 48.42 (2g) (b), 48.427 (1m), 48.427 (3m) (a) 5., 48.427 (3m) (am), 48.428 (2) (a), 48.428 (2) (b), 48.428 (4), 48.43 (5) (b), 48.43 (5m), 48.48 (9), 48.48 (17) (a) 3., 48.48 (17) (a) 8., 48.48 (17) (c) 4. (by SECTION 985), 48.481 (1) (a), 48.52 (1) (a), 48.52 (1) (b), 48.52 (1) (c), 48.569 (1) (d), 48.57 (1) (c), 48.57 (1) (hm), 48.57 (1) (i), 48.57 (3) (a) 4., 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b), subchapter XIV (title) of chapter 48 [precedes 48.619], 48.619, 48.62 (title), 48.62 (2), 48.62 (3), 48.62 (5) (a) (intro.), 48.62 (5) (d) (by SECTION 1018), 48.62 (6), 48.62 (7), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627 (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (3) (b) 2., 48.63 (4), 48.64 (title), 48.64 (1), 48.64 (1m), 48.64 (1r), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (a),

48.645 (2) (a) 1., 48.645 (2) (a) 3., 48.645 (2) (a) 4., 48.645 (2) (b), subchapter X of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (1) (c), 48.67 (intro.), 48.67 (4), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), 48.685 (1) (b), 48.685 (2) (c) 1., 48.685 (2) (c) 2., 48.685 (4m) (a) (intro.) (by SECTION 1072d), 48.685 (4m) (ad) (by SECTION 1074d), 48.685 (5) (bm) (intro.), 48.685 (5m) (by SECTION 1078d), 48.685 (6) (a) (by SECTION 1080d), 48.70 (2), 48.73, 48.75 (title), 48.75 (1d), 48.75 (2), 48.833 (1), 48.833 (2), 48.837 (1), 48.837 (1r) (b), 48.88 (2) (am) 1., 48.88 (2) (am) 2., 48.975 (3) (a) 1., 48.975 (3) (a) 2., 48.98 (1), 48.98 (2) (a), 48.981 (3) (d) 1., 48.981 (7) (a) 4., 48.986 (4), 49.136 (1) (m), 49.155 (1) (c), ~~49.155 (1m) (a) (intro.)~~, 49.155 (1m) (a) 1m. b., 49.155 (1m) (bm), ~~49.175 (1) (a)~~, 49.19 (1) (a) 2. b., 49.19 (4e) (a), 49.19 (10) (a), 49.19 (10) (c), 49.19 (10) (d), 49.19 (10) (e), 49.32 (9) (a), 49.34 (1), 49.343 (1d) (a) and (b), (1g) (by SECTION 1276m), (1m) (by SECTION 1278g), ~~and (2) (a), (b), and (c)~~, 49.345 (14) (a), 49.345 (14) (b), 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.471 (4) (a) 5., 50.01 (1) (a) 1., 50.01 (1) (a) 2., 59.69 (15) (intro.) (by SECTION 1451), 59.69 (15) (bm), 60.63 (intro.) (by SECTION 1454), 60.63 (3), 62.23 (7) (i) (intro.) (by SECTION 1458), 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f) (by SECTION 2173), 121.79 (1) (d) (intro.), 121.79 (1) (d) 2., 121.79 (1) (d) 3., 146.82 (2) (a) 18m., 167.10 (7), 252.15 (5) (a) 19., 253.10 (3) (c) 2. c., 301.12 (14) (a), 301.12 (14) (b), 301.26 (4) (d) 2. (by SECTION 2676), 301.26 (4) (d) 3. (by SECTION 2678), 301.26 (4) (e), 301.26 (4) (ed), 301.46 (4) (a) 6., 343.15 (4) (a) 3., 619.01 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.41 (3) (c), 786.37 (3), 809.105 (13), 895.485 (title), 895.485 (2) (intro.), 895.485 (2) (a), 895.485 (2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 938.02 (6), 938.207 (1) (c), 938.207 (1) (f), 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (d) 2., 938.32 (1) (d) 3., 938.33 (4) (intro.), 938.33 (5), 938.335 (3g) (intro.), 938.34 (3) (c), 938.355 (2) (b) 2., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.355 (4) (a), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (c) 2., 938.357 (2v) (c) 3., 938.357 (6), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ad) 2., 938.365 (2m) (ag), 938.365 (5), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (3) (d), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), 943.017 (2m) (a) 1., 948.01 (3), 948.085 (1), 949.06 (1m) (a) (by SECTION 3359), and 973.017 (6) (a) of the statutes, ~~and the creation of section 48.62 (8) of the statutes and SECTION 9108 (3) (a) of this act take effect on the date stated in the notice provided by the secretary of children~~

and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, as created by this act.


SECTION 26. Nonstatutory provisions.

(1) TRANSITION OF KINSHIP CARE AND LONG-TERM KINSHIP CARE PROVIDERS TO FOSTER CARE PROVIDERS.


(a) *Foster home license required.* By no later than 6 months after the date of the first review under section 48.57 (3m) (d) or (3n) (d) of the statutes occurring after the effective date of this subsection of the placement of a child who on the day before the effective date of this subsection was placed in the home of a kinship care relative, as defined in section 48.57 (3m) (a) 2. of the statutes, or a long-term kinship care relative, as defined in section 48.57 (3n) (a) 2. of the statutes, under an order of the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes, the kinship care relative or long-term kinship care relative shall obtain a license to operate a foster home under section 48.62 (1) of the statutes.

(b) *Exception.* If the kinship care relative or long-term kinship care relative refuses to obtain a license to operate a foster home as required under paragraph (a) or is unable to meet the minimum requirements for the issuance of such a license, at the first permanency plan review under section 48.38 (5) or 938.38 (5) of the statutes or permanency plan hearing under section 48.38 (5m) or 938.38 (5m) of the statutes occurring after the date by which the kinship care relative or long-term kinship care relative is required under paragraph (a) to obtain the license, the agency, as defined in section 48.38 (1) (a) or 938.38 (1) (a) of the statutes, that prepared the child's permanency plan shall make a recommendation, and the court or panel conducting the review or hearing shall make a determination under section 48.38 (5) (c) 1. or 938.38 (5) (c) 1. of the statutes, regarding the continuing necessity for and safety and appropriateness of the placement. If the court or panel determines that the placement continues to be necessary, safe, and appropriate, the child may remain in the placement and the kinship care relative or long-term kinship care relative may continue to receive payments under section 48.57 (3m) (am) or (3n) (am) of the statutes.

SECTION 27. *Effective dates.* This act takes effect on January 1, 2010, or on the day after publication, whichever is later, except as follows:

(1) JUVENILE RESIDENTIAL AFTERCARE. The repeal and recreation of section 20.410 (3) (ho) of the statutes takes effect on July 1, 2010, or on the day after publication, whichever is later. 

(2) ESTABLISHMENT OF RATES. The amendment of section 49.343 (1g) (by SECTION 20) and (2) (a) (by SECTION 23) of the statutes and the repeal and recreation of section 48.57 (3m) (am) (intro.) of the statutes take effect on January 1, 2011.

(3) TREATMENT FOSTER HOMES. The treatment of section 48.48 (17) (a) 10m. of the statutes and the amend- 

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ment of sections 20.410 (3) (ho) and 49.343 (1g) (by SECTION 21) and (2) (a) (by SECTION 24) of the statutes take effect on the date stated in the notice provided by the sec-

retary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes.

SECTION 307. 20.395 (9) (gg) of the statutes is repealed.

SECTION 307f. 20.410 (1) (ds) of the statutes is created to read:

20.410 (1) (ds) *Becky Young Community Corrections; recidivism reduction community services.* The amounts in the schedule to provide services under s. 301.068 to persons who are on probation, or who are soon to be or are currently on parole or extended supervision, following a felony conviction, in an effort to reduce recidivism.

SECTION 307m. 20.410 (1) (f) of the statutes is amended to read:

20.410 (1) (f) *Energy costs; energy-related assessments.* The amounts in the schedule to be used at state correctional institutions to pay for utilities and for fuel, heat and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at departmental facilities, and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895.

SECTION 311. 20.410 (2) (title) of the statutes is amended to read:

20.410 (2) (title) PAROLE EARNED RELEASE REVIEW COMMISSION.

SECTION 312. 20.410 (2) (a) of the statutes is amended to read:

20.410 (2) (a) *General program operations.* The amounts in the schedule for the general program operations of the parole earned release review commission.

SECTION 313. 20.410 (3) (hm) of the statutes is amended to read:

20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred from the appropriation ~~account~~ accounts under pars. (ho) and (hr) as provided in 2007 Wisconsin Act 20, section 9209 (1f) 2009 Wisconsin Act ..., (this act), section 9211 (1), all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the

appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 314. 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, ~~all moneys transferred from the appropriation accounts under pars. (ho) and (hr) as provided in 2009 Wisconsin Act (this act), section 9211 (1),~~ all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 315. 20.410 (3) (ho) of the statutes is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and

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(14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act (this act), section 9211 (1), except that, if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 316. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), section 315, is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, ~~treatment foster care~~, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act (this act), SECTION 9211 (1), except that if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, ~~treatment foster care~~, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 317. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), sections 315 and 316, is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs, ~~that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act (this act), section 9211 (1), except that, if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year.~~ Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 318. 20.410 (3) (hr) of the statutes is amended to read:

20.410 (3) (hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act (this act), section 9211 (1).

SECTION 319. 20.410 (3) (hr) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

20.410 (3) (hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. ~~If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act (this act), section 9211 (1).~~

SECTION 319e. 20.410 (3) (kp) of the statutes is created to read:

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20.410 (3) (kp) *Indian juvenile placements.* The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 319j. 20.410 (3) (o) of the statutes is created to read:

20.410 (3) (o) *Federal aid; community youth and family aids.* The amounts in the schedule for the improvement and provision of juvenile delinquency-related services under s. 301.26 and for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 938.06 (4). All moneys received from the federal government pursuant to P.L. 111-5 for juvenile delinquency-related services shall be credited to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of corrections may transfer moneys under this paragraph between fiscal years. Except for moneys authorized for transfer under s. 301.26 (3), all moneys from this paragraph allocated under s. 301.26 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

SECTION 320. 20.425 (1) (a) of the statutes is amended to read:

20.425 (1) (a) *General program operations.* The amounts in the schedule for the purposes provided in subchs. I, IV and V, and VI of ch. 111 and s. 230.45 (1).

SECTION 321. 20.425 (1) (i) of the statutes is amended to read:

20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.* The amounts in the schedule for the performance of fact-finding, mediation, and arbitration functions, for the provision of copies of transcripts, for the cost of operating training programs under ss. 111.09 (3), 111.71 (5), and 111.94 (3), for the preparation of publications, transcripts, reports, and other copied material, and for costs related to conducting appeals under s. 230.45. All moneys received under ss. 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.

SECTION 325. 20.435 (1) (title) of the statutes is amended to read:

20.435 (1) (title) PUBLIC HEALTH SERVICES PLANNING, REGULATION, AND DELIVERY; STATE OPERATIONS.

SECTION 326. 20.435 (1) (b) of the statutes is created to read:

20.435 (1) (b) *General aids and local assistance.* The amounts in the schedule for aids and local assistance relating to public health services.

SECTION 326p. 20.435 (1) (dj) of the statutes is created to read:

20.435 (1) (dj) *Dental health clinic grant.* The amounts in the schedule for the grant under 2009 Wisconsin Act (this act), section 9122 (5px).

SECTION 326r. 20.435 (1) (dj) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 327. 20.435 (1) (gm) of the statutes is amended to read:

20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and services.* The amounts in the schedule for the purposes specified in ss. 252.23, 252.24, 252.245, 253.12, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2), and 256.15 (8) and, ch. 69, and 2009 Wisconsin Act (this act), section 9122 (5v), ~~for automation of vital records, including master file payments,~~ for the purchase and distribution of medical supplies, and to analyze and provide data under s. 250.04. All moneys received under ss. 250.04 (3m), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2) (b), and 256.15 (5) (f) and (8) (d) and ch. 69, other than s. 69.22 (1m), and as reimbursement for medical supplies shall be credited to this appropriation account.

SECTION 327d. 20.435 (1) (gm) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and services.* The amounts in the schedule for the purposes specified in ss. 252.23, 252.24, 252.245, 253.12, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2), and 256.15 (8), ch. 69, and 2009 Wisconsin Act (this act), section 9122 (5v), ~~for automation of vital records, including master file payments,~~ for the purchase and distribution of medical supplies, and to analyze and provide data under s. 250.04. All moneys received under ss. 250.04 (3m), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2) (b), and 256.15 (5) (f) and (8) (d) and ch. 69, other than s. 69.22 (1m), and as reimbursement for medical supplies shall be credited to this appropriation account.

Vetoed
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9309 (3f) of this act take effect on the first day of the 2nd month beginning after publication.

SECTION 9410. Effective dates; Commerce.

(2f) COMMERCIAL CONSTRUCTION EROSION CONTROL. The treatment of sections 20.370 (4) (bj), 30.443 (1) (a) and (b) and (2), 59.69 (4c), 92.07 (15), 101.1205 (title), (1), (2), (3), (4), (5), (5m), (6), and (7), and 281.33 (title) and (3m) (title) of the statutes takes effect on the first day of the 7th month beginning after publication.

(2i) CONSTRUCTION CONTRACTORS. The treatment of sections 71.63 (3) (d), 71.65 (6), 101.02 (20) (a) and (21) (a), 101.147, 102.07 (8) (d), 108.24 (2) and (2m), and 111.327 of the statutes takes effect on January 1, 2010.

SECTION 9411. Effective dates; Corrections.

(1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The treatment of section 20.410 (3) (hm) (by SECTION 317), (ho) (by SECTION 319), and (hr) (by SECTION 319) of the statutes takes effect on July 1, 2010.

(1f) COUNCIL ON OFFENDER REENTRY. The treatment of sections 15.145 (title) and (5) and 301.095 of the statutes and SECTION 9111 (12f) of this act take effect on January 4, 2010.

(2) FISCAL CHANGE; CORRECTIONS. SECTION 9211 (2i) (a), (b), (c), and (d) of this act takes effect retroactively to June 30, 2009, or on the day after publication, whichever is earlier.

(2u) SENTENCING. The repeal of section 302.113 (9) (at) and (9g) (a) 1. and (cm) of the statutes, the renumbering and amendment of section 302.113 (2), (9) (am), and (9g) (a) (intro.) and 2., (b) (intro.), 1., 2., and 3., (c), (d), (e), (f) (intro.), 1., and 2., (g) 1., 2., and 3., (h), (i), and (j) of the statutes, the amendment of sections 301.03 (3), 301.048 (2) (am) 3., 301.21 (1m) and (2m) (c), 302.045 (3), 302.05 (3) (b), 302.11 (1g) (b) (intro.) and 2., (c), (d), (1m), and (7) (c), 302.113 (1), (3) (d), (7), and (9) (b) and (c), 302.114 (9) (c), 304.01 (title), (1), and (2) (intro.), (b), (c), (d), 304.06 (title), (1) (b), (c) (intro.), (d) 1., 2., 3m., and 4., (e), (eg), (em), (f), (g), (1m) (intro.), (1q) (b) and (c), (1x), (2m) (d), (3), (3e), and (3m), 304.071 (1), 801.50 (5), 809.30 (1) (c), 911.01 (4) (c), 950.04 (1v) (f), (g), (gm), and (nt), 973.01 (4), (7), and (8) (a) 2. and 3., 973.09 (5) (intro.), 973.195 (1r) (a), 974.07 (4) (b), 976.03 (23) (c), and 977.05 (4) (jm) of the statutes, the creation of sections 302.042, 302.045 (3m) (d), 302.05 (3) (c) 3., 302.113 (2) (b) and (c), (3) (e), (3m), (9) (am) 2., and (9h), 302.1135 (title), (1) (a), and (6) (a) (intro.) and (b), 304.06 (1) (bg), (bk), (bn), and (br), 973.01 (3d) and (4m), 973.031, 973.09 (3) (d), and 973.195 (1r) (j) of the statutes, the repeal and recreation of section 973.01 (2) (d) (intro.) of the statutes, and SECTION 9311 (2) and (4q) of this act take effect on October 1, 2009, or on the 90th day beginning after publication, whichever is later.

SECTION 9413. Effective dates; District Attorneys.

~~(1a) ADMINISTRATIVE COSTS. The treatment of sections 20.475 (1) (s) and (t) of the statutes takes effect on January 1, 2010.~~

(2x) SALARIES AND FRINGE BENEFITS; PUBLIC BENEFITS. The repeal of section 20.475 (1) (s) of the statutes takes effect on June 30, 2011.

SECTION 9415. Effective dates; Employee Trust Funds.

(1j) DOMESTIC PARTNER BENEFITS FOR STATE EMPLOYEES AND ANNUITANTS. The treatment of sections 40.02 (2m) and (8) (a) 2., 40.08 (9), 40.23 (4) (e) and (f) (intro.), 40.24 (7) (a) (intro.) and (b), 40.25 (3m), 40.55 (1), 40.65 (5) (b) 1. and (c) and (7) (am) (intro.), 1., and 2. and (ar) 1., and 40.80 (2r) (a) 2. of the statutes takes effect on January 1, 2010.

SECTION 9416. Effective dates; Employment Relations Commission.

(1g) UNIVERSITY OF WISCONSIN RESEARCH ASSISTANTS. The treatment of sections 111.81 (17m), 111.825 (2) (g), (h), and (i), and 111.935 of the statutes takes effect on July 1, 2010.

~~**SECTION 9417. Effective dates; Financial Institutions.**~~

~~(1f) CREDIT UNION CONVERSIONS. The treatment of sections 186.312 (intro.) (except 186.312 (title), (1m) (title), and (2), 214.40 (3), and 214.66 (intro.) (except 214.66 (title), (1m) (title), and (2) of the statutes takes effect on January 1, 2010.~~

SECTION 9419. Effective dates; Government Accountability Board.

(1q) LOBBYING ELECTRONIC DATA AND LICENSE FEES.

(a) The treatment of section 13.75 (1) (by SECTION 20k) and (1m) (by SECTION 20m) of the statutes takes effect on January 1, 2011.

(b) The treatment of section 13.75 (1) (by SECTION 20L) and (1m) (by SECTION 20n) of the statutes and the repeal of section 13.685 (8) of the statutes take effect on January 1, 2015.

SECTION 9422. Effective dates; Health Services.

(1) BADGERCARE PLUS CHANGES. The treatment of sections 46.286 (1) (b) (intro.) (except 46.286 (1) (b) (title)), 1c., 1m., and 3. and (3) (a) 4m., 49.45 (18) (b) 2., 49.471 (2), (3) (a) 1. and (b) 1. (intro.) and c. and 2., (4) (a) 4. a. and 7. and (b) 1m. and 4. a., (5) (b) 1. and 2., (6) (e), (7) (b) 1., 2., and 3. and (c) 1., (8) (d) 1. f. and 2. c., (10) (a) and (b) 4. g. and 5., and (12) (b), and 49.665 (6) of the statutes, the renumbering and amendment of sections 49.45 (18) (am) and 49.471 (5) (c) and (6) (a) of the statutes, and the creation of sections 49.45 (18) (am) 2. and 49.471 (5) (c) 1. and (6) (a) 1. of the statutes take effect retroactively on February 1, 2008.

(2) VITAL RECORD FEES. The treatment of section 69.22 (1) (a), (b), (c), and (d), (1m), and (1q) of the statutes takes effect on July 1, 2010.

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(5f) PREVAILING WAGE; REMEDIES. The treatment of section 103.49 (6m) (f) of the statutes, the renumbering of section 103.49 (6m) (a) of the statutes, the renumbering and amendment of section 66.0903 (11) (a) of the statutes, and the creation of sections 66.0903 (11) (a) 2. and 4. and 103.49 (6m) (ag) of the statutes first applies to hours worked on the effective date of this subsection.

SECTION 9357. Initial applicability; Other.

(1f) EXPEDITED MARRIAGE LICENSE FEE. The treatment of section 765.08 (2) of the statutes first applies to marriage license applications that are submitted to county clerks on the effective date of this subsection.

SECTION 9400. Effective dates; general. Except as otherwise provided in SECTIONS 9401 to 9457 of this act, this act takes effect on July 1, 2009, or on the day after publication, whichever is later.

SECTION 9401. Effective dates; Administration.

(1f) LOW-INCOME ASSISTANCE. The repeal of section 16.957 (2) (d) 2m. of the statutes takes effect on June 30, 2011.

(3q) AMERICAN INDIAN TRIBAL COMMUNITY REINTEGRATION PROGRAM. The treatment of section 16.964 (17) of the statutes takes effect on July 1, 2010.

(4g) RESTORATIVE JUSTICE. The repeal of section 20.505 (6) (br) of the statutes takes effect on July 1, 2010.

SECTION 9403. Effective dates; Agriculture, Trade and Consumer Protection.

(1) AGRICULTURAL AND VEGETABLE SEEDS. The treatment of sections 94.38 (3), (4), (4m), (5), (6), (8), (9), (12), (13), (15), (19), (20), (21), (22), (23), and (24), 94.385, 94.39, 94.41 (1) (a), (b), (e), (f), and (g) and (2) (a) and (e), 94.43 (1), and 94.44 of the statutes takes effect on the first day of the 19th month beginning after publication.

(1f) COUNTY AND DISTRICT FAIR AIDS. The treatment of section 93.23 (1) (intro.) (by SECTION 1973f) of the statutes and the repeal of section 20.115 (4) (t) of the statutes take effect on July 1, 2011.

SECTION 9408. Effective dates; Children and Families.

(1) ASSIGNMENT OF SUPPORT. The treatment of sections 48.57 (3m) (b) 2. and (3n) (b) 2., 49.145 (2) (s) (by SECTION 1369), and 49.775 (2) (bm) (by SECTION 1369) of the statutes and SECTION 9108 (1) of this act take effect on October 1, 2009, or on the day after publication, whichever is later.

(2) OVERPAYMENTS UNDER AFDC. The treatment of section 49.175 (1) (intro.) (by SECTION 1227) of the statutes and the repeal of sections 20.437 (2) (cr) and 49.175 (1) (k) of the statutes take effect on July 1, 2011.

(4) RETROACTIVE ALLOCATION. The treatment of section 49.175 (1) (ze) 1. of the statutes takes effect on the day after publication, or retroactively to June 30, 2009, whichever is earlier.

(5) CHILD WELFARE PROVIDER RATE REGULATION. The treatment of section 938.357 (4) (c) 1. and 2. of the statutes, the repeal of section 49.343 (1m) of the statutes, and the repeal and recreation of section 49.343 (1g) and (2) (a) of the statutes take effect on January 1, 2011.

~~(5f) BILL OF RIGHTS FOR FOSTER CARE. The treatment of sections 48.648 and 48.649 of the statutes and SECTION 9108 (6f) of this act takes effect on January 1, 2010.~~

(6) FOSTER CARE LEVELS OF CARE. The repeal of sections 48.02 (17q), 48.48 (17) (a) 10., 48.62 (1) (b), 49.001 (7), 619.01 (1) (c) 4m., 619.01 (9m), 895.485 (1) (c), and 938.02 (17q) of the statutes, the renumbering of section 48.62 (1) (a) of the statutes, the amendment of sections 20.410 (3) (ho) (by SECTION 316), 20.437 (1) (b), 20.437 (1) (cf), 20.437 (1) (dd) (by SECTION 474), 20.437 (1) (jm), 20.437 (1) (pd) (by SECTION 480), 46.10 (14) (a), 46.10 (14) (b), 46.21 (2) (j), 46.56 (8) (L), 46.56 (15) (b) 4., 46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.195 (2) (d) 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.27 (3) (a) 1., 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.299 (1) (ar), 48.32 (1) (c) 2., 48.32 (1) (c) 3., 48.33 (4) (intro.), 48.33 (5), 48.335 (3g) (intro.), 48.345 (3) (c), 48.355 (2) (b) 2., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.355 (4), 48.357 (1) (am) 1., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365 (2m) (ad) 2., 48.365 (2m) (ag), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d), 48.371 (5), 48.375 (4) (a) 1., 48.375 (4) (b) 1m., 48.375 (4) (b) 3., 48.375 (7) (f), 48.38 (2) (intro.), 48.38 (2) (g), 48.38 (4) (d) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c), 48.38 (5m) (e), 48.42 (2) (d), 48.42 (2g) (a), 48.42 (2g) (am), 48.42 (2g) (b), 48.427 (1m), 48.427 (3m) (a) 5., 48.427 (3m) (am), 48.428 (2) (a), 48.428 (2) (b), 48.428 (4), 48.43 (5) (b), 48.43 (5m), 48.48 (9), 48.48 (17) (a) 3., 48.48 (17) (a) 8., 48.48 (17) (c) 4. (by SECTION 985), 48.481 (1) (a), 48.52 (1) (a), 48.52 (1) (b), 48.52 (1) (c), 48.569 (1) (d), 48.57 (1) (c), 48.57 (1) (hm), 48.57 (1) (i), 48.57 (3) (a) 4., 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b), subchapter XIV (title) of chapter 48 [precedes 48.619], 48.619, 48.62 (title), 48.62 (2), 48.62 (3), 48.62 (5) (a) (intro.), 48.62 (5) (d) (by SECTION 1018), 48.62 (6), 48.62 (7), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627 (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (3) (b) 2., 48.63 (4), 48.64 (title), 48.64 (1), 48.64 (1m), 48.64 (1r), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (a), 48.645 (2) (a) 1., 48.645 (2) (a) 3., 48.645 (2) (a) 4., 48.645 (2) (b), subchapter X of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (1) (c), 48.67 (intro.), 48.67 (4), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), 48.685 (1) (b), 48.685 (2) (c) 1., 48.685 (2) (c) 2.,

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48.685 (4m) (a) (intro.) (by SECTION 1072d), 48.685 (4m) (ad) (by SECTION 1074d), 48.685 (5) (bm) (intro.), 48.685 (5m) (by SECTION 1078d), 48.685 (6) (a) (by SECTION 1080d), 48.70 (2), 48.73, 48.75 (title), 48.75 (1d), 48.75 (2), 48.833 (1), 48.833 (2), 48.837 (1), 48.837 (1r) (b), 48.88 (2) (am) 1., 48.88 (2) (am) 2., 48.975 (3) (a) 1., 48.975 (3) (a) 2., 48.98 (1), 48.98 (2) (a), 48.981 (3) (d) 1., 48.981 (7) (a) 4., 48.986 (4), 49.136 (1) (m), 49.155 (1) (c), 49.155 (1m) (a) (intro.), 49.155 (1m) (a) 1m. b., 49.155 (1m) (bm), 49.175 (1) (s), 49.19 (1) (a) 2. b., 49.19 (4e) (a), 49.19 (10) (a), 49.19 (10) (c), 49.19 (10) (d), 49.19 (10) (e), 49.32 (9) (a), 49.34 (1), 49.343 (1d) (a) and (b), (1g) (by SECTION 1276m), (1m) (by SECTION 1278g), and (2) (a), (b), and (c), 49.345 (14) (a), 49.345 (14) (b), 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.471 (4) (a) 5., 50.01 (1) (a) 1., 50.01 (1) (a) 2., 59.69 (15) (intro.) (by SECTION 1451), 59.69 (15) (bm), 60.63 (intro.) (by SECTION 1454), 60.63 (3), 62.23 (7) (i) (intro.) (by SECTION 1458), 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f) (by SECTION 2173), 121.79 (1) (d) (intro.), 121.79 (1) (d) 2., 121.79 (1) (d) 3., 146.82 (2) (a) 18m., 167.10 (7), 252.15 (5) (a) 19., 253.10 (3) (c) 2. c., 301.12 (14) (a), 301.12 (14) (b), 301.26 (4) (d) 2. (by SECTION 2676), 301.26 (4) (d) 3. (by SECTION 2678), 301.26 (4) (e), 301.26 (4) (ed), 301.46 (4) (a) 6., 343.15 (4) (a) 3., 619.01 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.41 (3) (c), 786.37 (3), 809.105 (13), 895.485 (title), 895.485 (2) (intro.), 895.485 (2) (a), 895.485 (2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 938.02 (6), 938.207 (1) (c), 938.207 (1) (f), 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (d) 2., 938.32 (1) (d) 3., 938.33 (4) (intro.), 938.33 (5), 938.335 (3g) (intro.), 938.34 (3) (c), 938.355 (2) (b) 2., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.355 (4) (a), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (c) 2., 938.357 (2v) (c) 3., 938.357 (6), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ad) 2., 938.365 (2m) (ag), 938.365 (5), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (3) (d), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), 943.017 (2m) (a) 1., 948.01 (3), 948.085 (1), 949.06 (1m) (a) (by SECTION 3359), and 973.017 (6) (a) of the statutes, and the creation of section 48.62 (8) of the statutes and SECTION 9108 (3) (a) of this act take effect on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, as created by this act.

(7) MODIFICATIONS TO WISCONSIN WORKS. The treatment of sections 49.147 (3) (c), (4) (as), (av), and (b), (5)

(b) 1. (intro.), a., c., d., and e. and 2. and (bs), and (5m) (a) (intro.), 49.148 (1) (c) and (4) (b), 49.151 (1) (intro.) and (b), 49.1515, and 49.153 (1) (a), (b), and (c) of the statutes, and SECTION 9308 (4) of this act take effect on October 30, 2009, or on the 30th day beginning after publication, whichever is later.

(8) FOSTER CARE RATES. The treatment of section 48.62 (4) of the statutes takes effect on January 1, 2010, or on the day after publication, whichever is later.

(9) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The amendment of section 49.148 (1m) (a) and (b) of the statutes takes effect on October 30, 2009, or on the 30th day beginning after publication, whichever is later.

(10i) WISCONSIN WORKS GRANTS FOR UNMARRIED, PREGNANT WOMEN. The treatment of sections 49.148 (1m) (title) and (c) (intro.) and 3. and 49.159 (4) of the statutes, the renumbering and amendment of section 49.148 (1m) (a) and (b) of the statutes, the creation of section 49.148 (1m) (a) (intro.) and 2. of the statutes, and SECTION 9308 (10i) of this act take effect on January 1, 2010.

(11) FOSTER PARENT TRAINING. The creation of section 48.67 (4) of the statutes takes effect on January 1, 2010.

(12) OVERPAYMENTS LIABILITY ALLOCATION.

(a) *Creation.* The creation of section 49.175 (1) (j) of the statutes takes effect on the day after publication or retroactively to June 30, 2009, whichever is earlier.

(b) *Repeal.* The repeal of section 49.175 (1) (j) of the statutes takes effect on July 1, 2009.

(13) FISCAL CHANGES. Section 9208 (1) of this act takes effect on the day after publication or retroactively to June 30, 2009, whichever is earlier.

(13d) CHILD SUPPORT PASS-THROUGH. The treatment of sections 49.145 (2) (s) (by SECTION 1155c) and 49.775 (2) (bm) (by SECTION 1369c) of the statutes and SECTION 9308 (8d) of this act take effect on October 1, 2010.

(14) ARREARAGES COLLECTED. The treatment of section 49.1452 of the statutes and SECTION 9308 (9) of this act take effect on January 1, 2010.

(14f) FRAUD INVESTIGATION AND AID TO FAMILIES WITH DEPENDENT CHILDREN RECOVERIES. The amendment of section 49.197 (2) (c) (by SECTION 1262m) of the statutes, the renumbering and amendment of section 49.195 (4) of the statutes, the creation of sections 49.195 (4) (b) 2. and 49.197 (2) (cm) of the statutes, and SECTION 9308 (2f) of this act take effect on January 1, 2010.

SECTION 9409. Effective dates; Circuit Courts.

(1) COURT INTERPRETER PILOT PROGRAM. The treatment of section 20.625 (1) (c) of the statutes and SECTION 9409 (1) of this act take effect on September 1, 2009, or on the effective date of this subsection, whichever is later.

(2f) SUCCESSOR ASBESTOS-RELATED LIABILITY. The treatment of section 895.61 of the statutes and SECTION

9309 (3f) of this act take effect on the first day of the 2nd month beginning after publication.

SECTION 9410. Effective dates; Commerce.

(2f) COMMERCIAL CONSTRUCTION EROSION CONTROL. The treatment of sections 20.370 (4) (bj), 30.443 (1) (a) and (b) and (2), 59.69 (4c), 92.07 (15), 101.1205 (title), (1), (2), (3), (4), (5), (5m), (6), and (7), and 281.33 (title) and (3m) (title) of the statutes takes effect on the first day of the 7th month beginning after publication.

(2i) CONSTRUCTION CONTRACTORS. The treatment of sections 71.63 (3) (d), 71.65 (6), 101.02 (20) (a) and (21) (a), 101.147, 102.07 (8) (d), 108.24 (2) and (2m), and 111.327 of the statutes takes effect on January 1, 2010.

SECTION 9411. Effective dates; Corrections.

(1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The treatment of section 20.410 (3) (hm) (by SECTION 317), (ho) (by SECTION 319), and (hr) (by SECTION 319) of the statutes takes effect on July 1, 2010.

(1f) COUNCIL ON OFFENDER REENTRY. The treatment of sections 15.145 (title) and (5) and 301.095 of the statutes and SECTION 9111 (12f) of this act take effect on January 4, 2010.

(2) FISCAL CHANGE; CORRECTIONS. SECTION 9211 (2i) (a), (b), (c), and (d) of this act takes effect retroactively to June 30, 2009, or on the day after publication, whichever is earlier.

(2u) SENTENCING. The repeal of section 302.113 (9) (at) and (9g) (a) 1. and (cm) of the statutes, the renumbering and amendment of section 302.113 (2), (9) (am), and (9g) (a) (intro.) and 2., (b) (intro.), 1., 2., and 3., (c), (d), (e), (f) (intro.), 1., and 2., (g) 1., 2., and 3., (h), (i), and (j) of the statutes, the amendment of sections 301.03 (3), 301.048 (2) (am) 3., 301.21 (1m) and (2m) (c), 302.045 (3), 302.05 (3) (b), 302.11 (1g) (b) (intro.) and 2., (c), (d), (1m), and (7) (c), 302.113 (1), (3) (d), (7), and (9) (b) and (c), 302.114 (9) (c), 304.01 (title), (1), and (2) (intro.), (b), (c), (d), 304.06 (title), (1) (b), (c) (intro.), (d) 1., 2., 3m., and 4., (e), (eg), (em), (f), (g), (1m) (intro.), (1q) (b) and (c), (1x), (2m) (d), (3), (3e), and (3m), 304.071 (1), 801.50 (5), 809.30 (1) (c), 911.01 (4) (c), 950.04 (1v) (f), (g), (gm), and (nt), 973.01 (4), (7), and (8) (a) 2. and 3., 973.09 (5) (intro.), 973.195 (1r) (a), 974.07 (4) (b), 976.03 (23) (c), and 977.05 (4) (jm) of the statutes, the creation of sections 302.042, 302.045 (3m) (d), 302.05 (3) (c) 3., 302.113 (2) (b) and (c), (3) (e), (3m), (9) (am) 2., and (9h), 302.1135 (title), (1) (a), and (6) (a) (intro.) and (b), 304.06 (1) (bg), (bk), (bn), and (br), 973.01 (3d) and (4m), 973.031, 973.09 (3) (d), and 973.195 (1r) (j) of the statutes, the repeal and recreation of section 973.01 (2) (d) (intro.) of the statutes, and SECTION 9311 (2) and (4q) of this act take effect on October 1, 2009, or on the 90th day beginning after publication, whichever is later.

SECTION 9413. Effective dates; District Attorneys.

~~(1d) ASSISTANT DISTRICT ATTORNEYS. The treatment of sections 20.475 (1) (s) and 273.12 (1) (c) and (7) of the statutes takes effect on January 1, 2011.~~

(2x) SALARIES AND FRINGE BENEFITS; PUBLIC BENEFITS. The repeal of section 20.475 (1) (s) of the statutes takes effect on June 30, 2011.

SECTION 9415. Effective dates; Employee Trust Funds.

(1j) DOMESTIC PARTNER BENEFITS FOR STATE EMPLOYEES AND ANNUITANTS. The treatment of sections 40.02 (2m) and (8) (a) 2., 40.08 (9), 40.23 (4) (e) and (f) (intro.), 40.24 (7) (a) (intro.) and (b), 40.25 (3m), 40.55 (1), 40.65 (5) (b) 1. and (c) and (7) (am) (intro.), 1., and 2. and (ar) 1., and 40.80 (2r) (a) 2. of the statutes takes effect on January 1, 2010.

SECTION 9416. Effective dates; Employment Relations Commission.

(1g) UNIVERSITY OF WISCONSIN RESEARCH ASSISTANTS. The treatment of sections 111.81 (17m), 111.825 (2) (g), (h), and (i), and 111.935 of the statutes takes effect on July 1, 2010.

~~**SECTION 9417. Effective dates; Financial Institutions.**~~

~~(1f) CREDIT UNION CONVERSIONS. The treatment of sections 186.314 (intro.) (except 186.314 (title)), (1m) (title), and (2), 214.40 (3), and 214.66 (intro.) (except 214.66 (title)), (1m) (title), and (2) of the statutes takes effect on January 1, 2010.~~

SECTION 9419. Effective dates; Government Accountability Board.

(1q) LOBBYING ELECTRONIC DATA AND LICENSE FEES.

(a) The treatment of section 13.75 (1) (by SECTION 20k) and (1m) (by SECTION 20m) of the statutes takes effect on January 1, 2011.

(b) The treatment of section 13.75 (1) (by SECTION 20L) and (1m) (by SECTION 20n) of the statutes and the repeal of section 13.685 (8) of the statutes take effect on January 1, 2015.

SECTION 9422. Effective dates; Health Services.

(1) BADGERCARE PLUS CHANGES. The treatment of sections 46.286 (1) (b) (intro.) (except 46.286 (1) (b) (title)), 1c., 1m., and 3. and (3) (a) 4m., 49.45 (18) (b) 2., 49.471 (2), (3) (a) 1. and (b) 1. (intro.) and c. and 2., (4) (a) 4. a. and 7. and (b) 1m. and 4. a., (5) (b) 1. and 2., (6) (e), (7) (b) 1., 2., and 3. and (c) 1., (8) (d) 1. f. and 2. c., (10) (a) and (b) 4. g. and 5., and (12) (b), and 49.665 (6) of the statutes, the renumbering and amendment of sections 49.45 (18) (am) and 49.471 (5) (c) and (6) (a) of the statutes, and the creation of sections 49.45 (18) (am) 2. and 49.471 (5) (c) 1. and (6) (a) 1. of the statutes take effect retroactively on February 1, 2008.

(2) VITAL RECORD FEES. The treatment of section 69.22 (1) (a), (b), (c), and (d), (1m), and (1q) of the statutes takes effect on July 1, 2010.

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for the purposes specified from the appropriation under section 20.855 (4) (fc) of the statutes, as created by this act:

(a) The sum of \$25,000 to Wisconsin Indianhead Technical College—Ladysmith Branch for a job retraining program to help dislocated workers in Rusk County.

(b) The sum of \$10,000 to the Love Incorporated Food Bank in Burlington in Racine County.

(c) The sum of \$5,000 to the Union Grove Food Bank in Racine County.

(d) The sum of \$5,000 to the Rio Area Food Pantry.

(e) The sum of \$5,000 to the Lodi Food Pantry.

(f) The sum of \$25,000 to the City of Racine for new programming for the Root River Environmental Education Community Center.

(g) The sum of \$10,000 to the Friends of Beckman Mill for restoration and renovation activities in Beckman Mill Park in Rock County.

(hx) The sum of \$5,000 to the Human Concerns of South Milwaukee Food Pantry.

SECTION 9203. Fiscal changes; Agriculture, Trade and Consumer Protection.

(1) AGRICULTURAL CHEMICAL CLEANUP FUND TRANSFER. There is transferred from the agricultural chemical cleanup fund to the general fund \$500,000 in fiscal year 2009–10 and \$500,000 in fiscal year 2010–2011.

(2) AGRICHEMICAL MANAGEMENT FUND TRANSFER. There is transferred from the agrichemical management fund to the general fund \$500,000 in fiscal year 2009–10 and \$1,000,000 in fiscal year 2010–2011.

SECTION 9208. Fiscal changes; Children and Families.

(1) MILWAUKEE CHILD WELFARE SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of children and families under section 20.437 (1) (cx) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$3,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purpose for which the appropriation is made.

(3f) CHILD CARE LICENSING AND CERTIFICATION ACTIVITIES. The unencumbered balance in the appropriation account under section 20.437 (1) (jm) of the statutes, as affected by this act, that is attributable to day care center licensing activities under section 48.65, 2007 stats., or to fees received under section 48.65 (3), 2007 stats., is transferred to the appropriation account under section 20.437 (2) (jn) of the statutes, as created by this act, on the effective date of this subsection.

SECTION 9210. Fiscal changes; Commerce.

(1) HEALTH PROFESSIONAL LOAN PROGRAMS. The unencumbered balance in the appropriation account under section 20.143 (1) (jL), 2007 stats., and the unencumbered balance in the appropriation account under section 20.143 (1) (jm), 2007 stats., are transferred to the

appropriation account under section 20.285 (1) (jc) of the statutes, as affected by this act.

(1f) PETROLEUM INSPECTION FUND TRANSFER TO TRANSPORTATION FUND. There is transferred from the petroleum inspection fund to the transportation fund \$10,000,000 in fiscal year 2009–10 and \$17,800,000 in fiscal year 2010–11.

(1g) PETROLEUM INSPECTION FUND TRANSFER TO RECYCLING AND RENEWABLE ENERGY FUND. In each fiscal year of the fiscal biennium in which this subsection takes effect, \$2,000,000 is transferred from the petroleum inspection fund to the recycling and renewable energy fund.

(1q) PETROLEUM INSPECTION FUND TRANSFER TO GENERAL FUND IN 2010–11. There is transferred from the petroleum inspection fund to the general fund \$9,200,000 in fiscal year 2010–11.

(2f) PETROLEUM INSPECTION FUND TRANSFER. There is transferred from the petroleum inspection fund to the general fund \$12,500,000 in fiscal year 2009–10.

(2u) DIESEL TRUCK IDLING REDUCTION MONEYS; LAPSE. On June 30, 2011, the unencumbered balance in the appropriation to the department of commerce under section 20.143 (3) (sm) of the statutes, as affected by this act, is transferred to the general fund.

(3f) DEVELOPMENT FUND; LAPSE. Notwithstanding section 20.001 (3) (b) of the statutes, on July 1, 2010, there is lapsed to the general fund \$14,850,000 from the appropriation account of the department of commerce under section 20.143 (1) (tm) of the statutes, as affected by the acts of 2009.

(3q) TRANSFER FROM PETROLEUM INSPECTION FUND TO ENVIRONMENTAL FUND. There is transferred from the petroleum inspection fund to the environmental fund \$230,000 in the first fiscal year of the fiscal biennium in which this subsection takes effect. There is transferred from the petroleum inspection fund to the environmental fund \$530,000 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

SECTION 9211. Fiscal changes; Corrections.

(1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION.

(a) Subject to paragraph (b), if notwithstanding sections 16.50 (2), 16.52, 20.002 (11), as affected by this act, and 20.903 of the statutes there is a deficit in the appropriation account under section 20.410 (3) (hm), 2007 stats., at the close of fiscal year 2008–09, any unencumbered balance in the appropriation account under section 20.410 (3) (ho), 2007 stats., at the close of fiscal year 2008–09, less the amounts required under that paragraph to be remitted to counties or transferred to the appropriation account under section 20.410 (3) (kx) of the statutes, and any unencumbered balance in the appropriation account under section 20.410 (3) (hr), 2007 stats., at the close of fiscal year 2008–09, shall be transferred to the

appropriation account under section 20.410 (3) (hm) of the statutes, as affected by SECTION 313 of this act, except that the total amount of the unencumbered balances transferred under this paragraph may not exceed the amount of that deficit.

(b) If the deficit specified in paragraph (a) is less than the total amount of the unencumbered balances available for transfer under paragraph (a), the total amount transferred from the appropriation accounts under section 20.410 (3) (ho) and (hr), 2007 stats., to the appropriation account under section 20.410 (3) (hm) of the statutes, as affected by SECTION 313 of this act, under paragraph (a) shall equal the amount of that deficit and the amount transferred from each of those appropriation accounts shall be in proportion to the respective unencumbered balance available for transfer from each of those appropriation accounts.

(2i) DEPARTMENT OF CORRECTIONS APPROPRIATION CHANGES FOR 2008-09.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$15,907,700 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$3,000,000 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

(c) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (b) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$2,500,000 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

(d) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (3) (cg) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$2,936,400 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

SECTION 9215. Fiscal changes; Employee Trust Funds.

(1) TRANSFER OF CERTAIN MONEYS RELATING TO THE PHARMACY BENEFITS PROGRAM TO THE DEPARTMENT OF HEALTH SERVICES. Before July 1, 2011, the secretary of

employee trust funds shall transfer from the employee trust fund to the appropriation account under section 20.435 (4) (jz) of the statutes, as affected by this act, any remaining moneys related to the pharmacy benefits program under section 40.53, 2007 stats. The secretary shall develop a methodology to determine the amount to be transferred.

SECTION 9220. Fiscal changes; Governor.

(1c) APPROPRIATIONS LAPSES AND REESTIMATES. The governor shall take actions during the 2009-11 fiscal biennium to ensure that from general purpose revenue appropriations to the office of the governor under section 20.525 of the statutes an amount equal to \$662,800 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

SECTION 9222. Fiscal changes; Health Services.

(1) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE LAPSE. Notwithstanding section 20.001 (3) (b) of the statutes, there is lapsed to the general fund from the appropriation account of the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2009, \$306,000,000 in fiscal year 2008-09.

(1c) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$15,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purposes for which the appropriation is made.

(1d) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE BALANCE. Notwithstanding section 20.001 (3) (b) of the statutes, any unencumbered balance in the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2009, does not revert to the general fund at the end of the second fiscal year of the fiscal biennium in which this subsection takes effect; and the department of health services may in the 2009-11 fiscal biennium expend the amount equal to this unencumbered balance in addition to the amount in the schedule under section 20.005 (3) of the statutes for the appropriation under section 20.435 (4) (b) of the statutes for state fiscal years 2009-10 and 2010-11.

(2) MEDICAL ASSISTANCE TRUST FUND APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$91,881,500 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(2u) MEDICAL ASSISTANCE ADMINISTRATION. In the schedule under section 20.005 (3) of the statutes for the

SECTION 993. 48.57 (1) (i) of the statutes is amended to read:

48.57 (1) (i) To license foster homes ~~or treatment foster homes~~ in accordance with s. 48.75.

SECTION 994. 48.57 (3) (a) 4. of the statutes is amended to read:

48.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

SECTION 996. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke)~~ (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 997. 48.57 (3m) (b) 2. of the statutes is amended to read:

48.57 (3m) (b) 2. When any kinship care relative of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person, ~~including any right to unpaid amounts accrued at the time of application and any right to amounts~~ accruing during the time that payments are made under this subsection, is assigned to the state. If a child who is the beneficiary of a payment under this subsection is also the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 999. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 (3n) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke)~~ (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:

SECTION 1000. 48.57 (3n) (b) 2. of the statutes is amended to read:

48.57 (3n) (b) 2. When any long-term kinship care relative of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person, ~~including any right to unpaid amounts accrued at the time of application and any right to amounts~~ accruing during the time that payments are made under this subsection, is assigned to the state. If a child is the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 1003. 48.60 (2) (e) of the statutes is amended to read:

48.60 (2) (e) A licensed foster home ~~or a licensed treatment foster home~~.

SECTION 1004. 48.61 (3) of the statutes is amended to read:

48.61 (3) To provide appropriate care and training for children in its legal or physical custody and, if licensed to do so, to place children in licensed foster homes, ~~licensed treatment foster homes~~, and licensed group homes and in the homes of guardians under s. 48.977 (2).

SECTION 1005. 48.61 (7) of the statutes is amended to read:

48.61 (7) To license foster homes ~~or treatment foster homes~~ in accordance with s. 48.75 if licensed to do so.

SECTION 1006. 48.615 (1) (b) of the statutes is amended to read:

48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, ~~licensed treatment foster homes~~, and licensed group homes, and in the homes of guardians under s. 48.977 (2), the child welfare agency must pay to the department a biennial fee of \$254.10.

SECTION 1007. Subchapter XIV (title) of chapter 48 [precedes 48.619] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XIV

FOSTER HOMES AND TREATMENT FOSTER HOMES

SECTION 1008. 48.619 of the statutes is amended to read:

48.619 Definition. In this subchapter, "child" means a person under 18 years of age and also includes, for purposes of counting the number of children for whom a foster home, ~~treatment foster home~~, or group home may provide care and maintenance, a person 18 years of age or over, but under 19 years of age, who is a full-time student

at a secondary school or its vocational or technical equivalent, who is reasonably expected to complete the program before reaching 19 years of age, who was residing in the foster home, ~~treatment foster home~~, or group home immediately prior to his or her 18th birthday, and who continues to reside in that foster home, ~~treatment foster home~~, or group home.

SECTION 1009. 48.62 (title) of the statutes is amended to read:

48.62 (title) Licensing of foster homes and ~~treatment foster homes~~; rates.

SECTION 1010. 48.62 (1) (a) of the statutes is renumbered 48.62 (1).

SECTION 1011. 48.62 (1) (b) of the statutes is repealed.

SECTION 1012. 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative, or a guardian of a child who provides care and maintenance for the child is not required to obtain the license specified in this section. The department, county department, or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home ~~or a treatment foster home~~ to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home ~~or treatment foster home~~ for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., license the guardian's home as a foster home ~~or treatment foster home~~ for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes ~~or treatment foster homes~~ are subject to the department's licensing rules.

SECTION 1013. 48.62 (3) of the statutes is amended to read:

48.62 (3) When the department, a county department, or a child welfare agency issues a license to operate a foster home ~~or a treatment foster home~~, the department, county department, or child welfare agency shall notify the clerk of the school district in which the foster home ~~or treatment foster home~~ is located that a foster home ~~or treatment foster home~~ has been licensed in the school district.

SECTION 1014d. 48.62 (4) of the statutes is amended to read:

48.62 (4) Monthly payments in foster care shall be provided according to the ~~age-related~~ rates specified in this subsection. Beginning on January 1, 2008 ~~2010~~, the ~~age-related~~ rates are ~~\$333 \$215 for care and maintenance provided by a relative of a child of any age and, for care and maintenance provided by a nonrelative, \$349 for a~~

child under 5 years of age; ~~\$363 \$381~~ for a child 5 to 11 years of age; ~~\$414 \$433~~ for a child 12 to 14 years of age; and ~~\$432 \$452~~ for a child 15 years of age or over. Beginning on January 1, 2009 ~~2011~~, the ~~age-related~~ rates are ~~\$349 \$220 for care and maintenance provided by a relative of a child of any age and, for care and maintenance provided by a nonrelative, \$366~~ for a child under 5 years of age; ~~\$381 \$400~~ for a child 5 to 11 years of age; ~~\$433 \$455~~ for a child 12 to 14 years of age; and ~~\$452 \$475~~ for a child 15 years of age or over. In addition to these grants for basic maintenance, the department shall make supplemental payments for ~~special needs, exceptional circumstances, care in a treatment foster home, and initial clothing allowances~~ foster care to a foster home that is receiving an age-related rate under this subsection that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home according to the rules promulgated by the department under sub. (8) (c).

SECTION 1015. 48.62 (5) (a) (intro.) of the statutes is amended to read:

48.62 (5) (a) (intro.) Subject to par. (d), a county department or, in a county having a population of 500,000 or more, the department shall provide monthly subsidized guardianship payments in the amount specified in par. (e) to a guardian of a child under s. 48.977 (2) or under a substantially similar tribal law or law of another state who was licensed as the child's foster parent ~~or treatment foster parent~~ before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department if the guardian meets the conditions specified in par. (c) 1. and 2. and if the child meets any of the following conditions:

SECTION 1017. 48.62 (5) (d) of the statutes is amended to read:

48.62 (5) (d) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent or treatment foster parent before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department. If the waiver is approved for a county having a population of 500,000 or more, the department shall provide the monthly payments under par. (a) from the appropriations under s. 20.437 (1) ~~(ex), (gx), (kw), and (mx) (dd) and (pd)~~. If the waiver is approved for any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties shall provide those payments from moneys received under s. 48.569 (1) (d).

SECTION 1018. 48.62 (5) (d) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

48.62 (5) (d) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent ~~or treatment foster parent~~ before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department. If the waiver is approved for a county having a population of 500,000 or more, the department shall provide the monthly payments under par. (a) from the appropriations under s. 20.437 (1) (dd) and (pd). If the waiver is approved for any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties shall provide those payments from moneys received under s. 48.569 (1) (d).

SECTION 1020. 48.62 (6) of the statutes is amended to read:

48.62 (6) The department or a county department may recover an overpayment made under sub. (4) or (5) from a foster parent, ~~treatment foster parent~~, guardian, or interim caretaker who continues to receive those payments ~~under sub. (4) or (5)~~ by reducing the amount of the person's monthly payment. The department may by rule specify other methods for recovering those overpayments ~~made under sub. (4) or (5)~~. A county department that recovers an overpayment under this subsection due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 1021. 48.62 (7) of the statutes is amended to read:

48.62 (7) In each federal fiscal year, the department shall ensure that there are no more than 2,200 children in foster care ~~and treatment foster care~~ placements for more than 24 months, consistent with the best interests of each child. Services provided in connection with this requirement shall comply with the requirements under P.L. 96-272.

SECTION 1022. 48.62 (8) of the statutes is created to read:

48.62 (8) The department shall promulgate rules relating to foster homes as follows:

(a) Rules providing levels of care that a foster home is licensed to provide. Those levels of care shall be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee,

and any other requirements relating to the ability of the licensee to provide for those needs that the department may promulgate by rule.

(b) Rules establishing a standardized assessment tool to assess the needs of a child placed or to be placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed to provide a given level of care under par. (a) may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide.

(c) Rules providing monthly rates of reimbursement for foster care that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home. Those rates shall include rates for supplemental payments for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home that is receiving an age-related monthly rate under sub. (4). In promulgating the rules under this paragraph, the department shall provide a mechanism for equalizing the amount of reimbursement received by a foster parent prior to the promulgation of those rules and the amount of reimbursement received by a foster parent under those rules so as to reduce the amount of any reimbursement that may be lost as a result of the implementation of those rules.

(d) Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

SECTION 1022b. 48.62 (9) of the statutes is created to read:

48.62 (9) As soon as the department is ready to implement the rules promulgated under sub. (8), the secretary shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register that states the date on which the provisions of 2009 Wisconsin Act (this act), relating to foster care levels of care will become effective.

SECTION 1023. 48.625 (3) of the statutes is amended to read:

48.625 (3) This section does not apply to a foster home licensed under s. 48.62 (1) ~~(a) or to a treatment foster home licensed under s. 48.62 (1) (b)~~.

SECTION 1024. 48.627 (title) of the statutes is amended to read:

48.627 (title) Foster, ~~treatment foster~~ and family-operated group home parent insurance and liability.

SECTION 1025. 48.627 (2) (a) of the statutes is amended to read:

48.627 (2) (a) Before the department, a county department, or a licensed child welfare agency may issue, renew, or continue a foster home, ~~treatment foster home~~ or family-operated group home license, the licensing agency shall require the applicant to furnish proof satis-

(gg) *Collection remittances to local units of government.* All moneys received under ss. 301.03 (18) and 301.12 to be used to remit departmental collections under ss. 301.03 (18) (g) and 301.12 (8) (i).

(hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

(ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: Par. (ho) is repealed and recreated by 2009 Wis. Act 182, s. 5, effective the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read as follows:

(ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

(hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account.

(i) *Gifts and grants.* All moneys received from gifts, grants, donations and burial trusts for the execution of its functions consistent with the purpose of the gift, grant, donation or trust.

(j) *State-owned housing maintenance.* The amounts in the schedule for maintenance of state-owned housing at state correctional institutions. All moneys received by the department from rentals of state-owned housing at state correctional institutions shall be credited to this appropriation.

(jr) *Institutional operations and charges.* The amounts in the schedule for the use, production and provision of state institutional facilities, services and products. All moneys received from the sale of institutional services and products shall be credited to this appropriation.

(jv) *Secure detention services.* All moneys received from counties under s. 938.224 (3) (a) for holding juveniles in secure custody in juvenile correctional facilities under s. 938.224 (1).

(ko) *Interagency programs; community youth and family aids.* All moneys transferred from the appropriation account under s. 20.437 (1) (nL) for the purposes of s. 301.26, to be used for those purposes.

(kp) *Indian juvenile placements.* The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent by tribal courts. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department for the administration of programs or projects for which received.

(ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations.

(kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department for local assistance.

(m) *Federal project operations.* All moneys received from the federal government or any of its agencies for the state administration of specific limited term projects to be expended for the purposes specified.

(n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs to be expended for the purposes specified.

(o) *Federal aid; community youth and family aids.* The amounts in the schedule for the improvement and provision of juvenile delinquency-related services under s. 301.26 and for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 938.06 (4). All moneys received from the federal government pursuant to P.L. 111-5 for juvenile delinquency-related services shall be credited to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of corrections may transfer moneys under this paragraph between fiscal years. Except for moneys authorized for transfer under s. 301.26 (3), all moneys from this paragraph allocated under s. 301.26 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.